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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,580	06/19/2001	Mohammed Gomma Abutaleb	ICTI ICE-0101	3967

7590 04/15/2004

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,580

Applicant(s)

ABUTALEB ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-17 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (Satellite Systems For Personal Communications, Proceedings of the IEEE Vol 86, No. 7, July 1998) in view of Rossi et al (US 6,239,767).

Evans teaches that Imarsat-B can be used to communicate up to 64 Kbps over a 20 Khz channel (Evans see especially page 1326, column 1, paragraph 3). It would have been obvious to one of ordinary skill in the art that the system could also be used to communicate with slower bit rate over wider channels. Therefore it would have been obvious to transmit the claimed 32 Kbps over 25 kHz channels in order to provide for

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wider channel spacing while eliminating unnecessary speed. As to the satellite terminal having an external modem with diplexer and switches. Rossi teaches an Imarsat compatible terminal using an external modem (Rossi see especially fig 8, item 62), diplexers (Rossi see especially fig 8, item 58) and switches (Rossi see especially fig 8, items 44,66,42). Therefore it would have been obvious to one of ordinary skill in the art to further modify Evans to use the arrangement of Rossi order to utilize an existing Imarsat system.

Allowable Subject Matter

4. Claims 2-17 are allowed.

Consider claim 2. The nearest prior art as shown in Tilford fails to teach Imarsat mobile earth control unit and an external satellite modem with an L band interface along with a diplexing means and switches controlled by embedded computer using a single standard Imarsat-B RF terminal on a mutually exclusive basis, whereby the transmit source feeding the RF terminal is switched between the MCU and the satellite modem by the computer's setting of the switches and the MCU and satellite modem can receive from the RF terminal regardless of which transmit source is connected to the RF terminal

Consider claim 10. The nearest prior art as shown in Tilford fails to teach Imarsat mobile earth control unit having a first satellite modem, and a second satellite modem with an L band interface along with a diplexing means and switches controlled by embedded computer using a single standard Imarsat-B RF terminal for switching between a first bypass path that passes signals from DC power to L band with negligible

attenuation and a second RF, ICE path wherein the receive path is amplified and filtered when the first path is selected by the computer and wherein a directional coupler inserted in the RF path to provides a filtered amplified connection to the receive interface of the second satellite modem wherein Dc power and an M&C frequency pass through a first low pass filter, thereby providing a DC power path and an M&C path through the switching assembly when the second RF path is selected; and wherein the computer configures the second satellite modem to transmit and receive at data rates higher and lower than the data rate supported by the first satellite modem, sets the power level required by the data rate, and sets the switches to insert the ICE path so that the second satellite modem transmits and receives over the RF terminal.

Response to Amendment

5. Applicant's amendments have overcome the rejections under 35 USC 112.

Information Disclosure Statement

6. The information disclosure statement filed 9-27-2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. *No copy of the reference by Buecken was supplied.*

7. Note that while a PTO-1449 was not supplied with the IDS filed 9-27-2002, two of the references have now been cited by the examiner and would be published with any patent that would issue from this application.

8. Note that the IDS statements filed 9-24-2001 and 10-11-2001 were missed in the previous action, but have now been considered.

Response to Arguments

9. Applicant's arguments filed January 8, 2004 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
April 1, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER